

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

O R D E R

The Plaintiff has filed a motion for appointment of counsel (Docket Entry 27). This motion is **DENIED**.

The Supreme Court has held that "an indigent's right to appointed counsel . . . exists only where the litigant may lose his physical liberty if he loses the litigation." *Lassiter v. Department of Social Services*, 452 U.S. 18, 25 (1981). Therefore, unlike criminal proceedings, there is no constitutional right to appointed counsel in a civil action. *Willett v. Wells*, 469 F.Supp. 748, 751 (E.D. Tenn. 1977).

The appointment of counsel for a civil litigant is a matter within the discretion of the District Court and will only occur under exceptional circumstances. *Lavado v. Kechane*, 992 F.2d 601 (6th Cir. 1993). In this instance, no such circumstances exist.

It appears that all Defendants have now been served. Accordingly, a Rule 16 case management conference is set for **Thursday, May 7, 2013, at 9:30 a.m., Courtroom 783.** Counsel for the Defendants are directed to prepare a proposed case management order and submit it to the Plaintiff **one week** prior to the hearing.

The Plaintiff is directed to bring with him to the hearing a brief summary of his complaint, not to exceed one and one-half pages, as well as any proposed changes he has to the proposed case management order.

The Plaintiff is cautioned that in the event the Defendants file motions to dismiss or motions for summary judgment, he must respond to them within **28 days**, or the Court may grant them as unopposed. In the event a summary judgment motion is filed the Plaintiff must comply with Local Rule 56.01. Any statements of uncontested facts must be responded to with citations to admissible evidence in the record to justify any denial.

The Plaintiff is also cautioned that failure to keep the Court apprised of a current address may serious jeopardize his case.

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge